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30. The 1996 Act does not limit technically feasible methods to methods that are technically feasible at a given point in time. As the FCC has stated, the 1996 Act "contemplates a dynamic, not static, definition of technically feasible number portability methods." Number Portability Order, ¶ 110. Thus, the FCC has required that "when a number portability method that better satisfies the requirements of section 251(b)(2) than currently available measures becomes technically feasible, LECs must provide number portability by means of such method." Id., ¶ 115 (emphasis added).⁴ In short, under the Act and the FCC's regulations, all LECs (including Ameritech) have an ongoing obligation to assess and improve upon the INP methods that they offer. I also disagree with the assertions of Messrs. Dunny and Mayer that the costs of a particular INP method are relevant to the issue of whether a carrier such as Ameritech must provide that method. Under the 1996 Act and the FCC's regulations, the only issue is whether the INP method is technically feasible -- and the FCC has stated that "the term 'technically feasible' refers solely to technical or operational concerns, rather than economic, space, or site considerations."⁵

⁴ See also 47 C.F.R. § 52.27. Although Mr. Dunny asserts that Ameritech has "agreed" to provide LERG Reassignment (Dunny Aff., ¶ 133), the provision of this INP method is not a matter of choice. The fact that Ameritech is providing this method indicates that Ameritech recognizes its obligation to provide INP methods apart from RCF and DID that are technically feasible.

⁵ FCC CC Docket No. 96-98, Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, First Report and Order released Aug. 8, 1996 ("Local Competition Order"), ¶ 198. In any event, as discussed below, route indexing would not result in significant additional costs.

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31. Under the FCC's orders, Ameritech cannot refuse to provide a particular INP method requested by a CLEC unless it proves, by "clear and convincing evidence," that this method is not technically feasible. See Local Competition Order, ¶¶ 203, 205. Route indexing, however, is clearly technically feasible, for the reasons stated below.

1. The Need For Route Indexing

32. Route indexing is not an unproven, totally new technology. DID (which Ameritech is willing to offer), RI-PH, and DN-RI are all derivatives of each other and rely essentially on the same technology. See Number Portability Order, ¶ 20 (noting that RI-PH is a derivative method of RCF and DID).

33. There are two main forms of route indexing: RI-PH and Directory Number - Route Indexing ("DN-RI"). While RI-PH and DN-RI are very similar in that they are both forms of route indexing, RI-PH is a more advanced form of route indexing, primarily because DN-RI requires direct trunking between Ameritech and AT&T end offices. Additionally, RI-PH allows AT&T to serve its customers by connecting from Ameritech's end offices via a tandem switch.

34. The capability of RI-PH is significant from an efficiency perspective, because the tandem switch methodology allows ported calls from any number of Ameritech end offices to be aggregated at Ameritech's tandem offices, prior to

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being routed to AT&T. This capability makes RI-PH the best currently feasible INP method for most of AT&T's larger business customers.⁶

35. AT&T requested Ameritech to provide route indexing, as well as RCF and LERG Reassignment (with route indexing), because it determined that all three methods are necessary to ensure that customers moving from Ameritech's network to AT&T's network could do so without having to change numbers while also dialing and feature parity. Because of their various functional attributes, certain INP methods are better suited to serve certain types of customers. As a review of the RCF, DID, and LERG Reassignment methods demonstrates, CLECs like AT&T must have access to the widest range of technically feasible INP methods -- including route indexing -- in order to be effective competitors.

36. RCF. RCF -- which Ameritech is willing to provide -- is the most efficient INP method for AT&T's residential and small business customers. For the provisioning of individual lines, RCF preserves the screening-based CLASS features (such as "selective denial") and other functionalities (such as Caller I.D.) that are most commonly used by the smaller, individual customers.

37. However, RCF suffers from some significant limitations as an option for medium- and large-sized business customers. For example, RCF cannot

⁶ Although AT&T prefers the RI-PH form of route indexing, AT&T has no objections to using the DN-RI form of route indexing as an INP method where direct trunks between Ameritech and AT&T end offices already exist for other purposes.

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effectively serve customers who have large call centers receiving many simultaneous calls to one number. Although, as Messrs. Dunny and Mayer state, RCF can add additional call paths to accommodate the provision of call completion, RCF has a maximum limit of 90 call paths. See Dunny Aff., ¶ 131; Mayer Aff., ¶ 155. Moreover, RCF is very wasteful of numbering resources because it uses a second "shadow number" for each directory number a customer ports.

38. Thus, for most of AT&T's business customers RCF is less efficient for porting larger blocks of numbers than route indexing. Whereas RCF requires an operation for each individual number to be ported, route indexing can be provisioned with a single operation. Moreover, unlike RCF, RI does not use shadow numbers and does not have a call path limit.

39. **DID**. Although Ameritech has agreed to provide DID as well as RCF, DID is also not viable for use as an INP method for AT&T's larger business customers. DID is an existing feature used in the local network for connectivity between a network switch and a PBX. The DID method (offered by Ameritech as Flex-DID or SPNP-Direct) suffers from technical and economic limitations.

40. First, Flex-DID only supports dial pulse or TouchTone® signaling. Because SS7 signaling is not preserved, important functionality, such as Caller I.D., cannot be provided to the ported customer.

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41. Second, as a PBX interface, Flex-DID treats AT&T as a PBX and not as a peer network. Accordingly, Flex-DID requires that AT&T build special direct trunks dedicated solely to number portability between AT&T's end offices -- as Mr. Mayer acknowledges. Mayer Aff., ¶ 156. Such an economic burden is technically unnecessary (given the technical feasibility of route indexing) and economically unwise both for AT&T and for Ameritech. From AT&T's perspective, building the special direct trunks is both inefficient and economical, particularly where only a limited volume of numbers are ported from Ameritech's office. Moreover, in light of the FCC's mandate that INP costs be shared on a competitively neutral basis, building these direct trunks is also an unnecessary economic burden for Ameritech.

42. Mr. Dunny suggests that Ameritech has made the transport facilities that are required by Flex-DID more "flexible and economic" by permitting the requesting CLEC to self-provision the transport via collocation arrangements and by offering a "more economical" DS1 transport service option. Dunny Aff., ¶ 132. I do not agree. It appears that either approach would be even more costly for a CLEC than RI-PH trunking, because the costs would be borne entirely by the CLEC, and not on a competitively neutral basis. Moreover, Mr. Dunny does not cite any evidence or studies which show that either of these options is less expensive even than Flex-DID as it is currently tariffed.

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43. Third, Flex-DID does not meet the needs of AT&T's larger business customers, because it relies upon analog (MF) signaling that (unlike SS7 signalling) would create additional post-dialing delay which would render AT&T's service below parity with that provided to Ameritech's own customers. Although Mr. Mayer asserts that Ameritech has added SS7 signaling on trunks for Brooks Fiber which normally use MF signaling for Flex-DID (Mayer Aff., ¶ 157), the practicality of this alternative is limited by the continuing need for the CLEC to install direct trunks. Moreover, it cannot be assumed that the technology installed for Brooks Fiber either raises Brooks Fiber's service to parity with that of Ameritech, or that such technology will fully meet the requirements of all CLECs, including AT&T.

44. **LERG Reassignment.** The last INP offered by Ameritech, LERG Reassignment (NXX Migration), is one which AT&T would like to utilize, because it is necessary for AT&T to effectively serve its very large, national business customers -- a competitively significant customer segment. LERG Reassignment would enable AT&T to reassign an entire exchange (NXX) from the Ameritech office to the AT&T offices via the LERG database.

45. As offered by Ameritech, however, LERG Reassignment is of little value to AT&T, because Ameritech has refused to provide it with route indexing -- which is essential for CLECs such as AT&T to be able to take advantage of LERG Reassignment solutions. The LERG Reassignment method requires that within 45 days

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after the LERG updates are published, all telecommunications carriers must update the translations in all of their switches, and STPs must reflect changes in the LERG. In order for CLECs to be able to redirect calls to the requesting party's switch during the 45-day period, it is critical that Ameritech provide CLECs with a form of route indexing, as a transitional method.

46. Unless route indexing is provided with LERG Reassignment, CLECs such as AT&T would effectively be foreclosed from serving very large businesses. Absent route indexing, customers who would otherwise switch carriers would be dissuaded from doing so, because they would have to remain fully connected to the Ameritech network until assurance was reached that the LERG updates had been fully implemented by all carriers. Because the LERG database is updated monthly, this delay could be as long as 75 days, depending on the date on which the reassignment request was submitted to Ameritech. This would clearly be unacceptable to most customers.

47. For these reasons, route indexing is necessary to enable, and would enable, CLECs to compete effectively for all business customers. Unlike RCF (which is a suitable INP method for residential and small business customers), route indexing can be provided with a single operation, has no call path limit, and does not use an inefficient "shadow number" system. Unlike DID, route indexing enables CLECs to preserve SS7, avoid number exhaust problems, and avoid the unnecessary economic burdens and overall inefficiencies involved in building special direct trunks dedicated solely to LNP.

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Furthermore, route indexing enables CLECs to offer LERG Reassignment and thus serve very large business customers.

48. In short, route indexing is clearly less burdensome than other INP options to provision, is more efficient and economical, and is likely to improve significantly the ability of CLECs to compete for business customers that are likely to be the subject of intense competitive activity.⁷

2. The Technical Feasibility of RI-PH

49. In response to AT&T's requests for RI-PH, Ameritech has simply responded that it does not whether RI-PH is technically feasible because it has performed only "preliminary" testing in the lab and has conducted no field or volume testing of this method. Such a response, however, falls far short of Ameritech's obligation to show that route indexing is not technically feasible. In fact, experience has shown that RI-PH is technically feasible.

50. First, as previously stated, route indexing is not an unproven technology; RI-PH is a derivative of DID. Second, Ameritech itself has found that route indexing is technically feasible. A September 1995 proposal of the Ameritech Number Portability Team prepared by Barry Bishop, Ameritech's engineer and network operations manager (and the current chairman of the LNP Regional Workshop Operations

⁷ Of course, route indexing -- like other INP methods -- suffers from its own technical limitations. RCF is the most efficient INP method for residential and small business customers, because RCF (among other things) preserves the screening-based CLASS features that are most commonly used by smaller, individual features, whereas route indexing would cause them to fail. That is why AT&T needs RCF, route indexing, and LERG Reassignment to ensure adequate number portability.

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Subcommittee), offered a RI-PH method (as an enhanced version of Ameritech's Flex-DID service) and indicated that the RI-PH method had been appropriately tested for use as an INP solution. The proposal asserted -- without qualification -- that the RI-PH method could be deployed using current standards and translations. See Ameritech Proposal for "Service Provider Number Portability - HUB" ("SPNP-Hub"), p. 3 (attached hereto as JDE Exhibit 1). The proposal also asserted -- again, without qualification -- that:

It is Ameritech's opinion that the SPNP-HUB [Service Provider Number Portability - Hub] offers a viable, proven and less burdensome near term alternative for number portability, and one which does not involve a lot of throw away development and implementation costs, onerous work-arounds, multiple database dips and unknown feature interactions, as do some of the "transactional" solutions now being discussed. (Id., p. 4; emphasis added.)⁸

51. Experience in other regions also shows that RI-PH is technically feasible. BellSouth has determined that RI-PH is technically feasible, and has agreed to provide RI-PH as an INP method in all nine of the States in its region, with limited exceptions.⁹ US West has agreed to provide RI-PH in Colorado, and has unofficially

⁸ Even Mr. Dunny has effectively admitted that Ameritech has never determined RI-PH to be technically infeasible. In an Illinois proceeding to determine the degree of Ameritech Illinois' compliance with the competitive checklist, he stated that Ameritech's "preliminary" testing "indicated that RI-PH might be technically feasible in theory." See Rebuttal Testimony of Gregory J. Dunny filed November 22, 1996 in Illinois Commerce Commission Docket No. 96-0404, Investigation Concerning Illinois Bell Telephone Company's Compliance With Section 271(c) of the Telecommunications Act of 1996 ("Dunny Rebuttal Test."), p. 44.

⁹ See Direct Testimony of William V. Atherton of BellSouth in Tennessee Regulatory Authority Docket No. 96-01152, September 26, 1996, pp. 4, 12-13 (attached hereto as JDE Exhibit 2); letter from Mr. Atherton to Robert Oakes of AT&T, dated September 3, 1996 (attached hereto as JDE Exhibit 3). Although BellSouth's experts have limited RI-PH's technical feasibility to geographic areas where there is seven-digit local calling, asserting that analog switching offices are not capable of transmitting a thirteen-

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agreed to provide both RI-PH and DN-RJ in all of the States in its region. Sprint Local has agreed to provide RI-PH to AT&T nationally, provided that Sprint Local and AT&T jointly test it prior to implementation.¹⁰

52. Furthermore, in at least three States incumbent LECs have been ordered by the State regulatory commission to provide RI-PH, based on the commission's finding that RI-PH is technically feasible. In California, both Pacific Bell and GTE have been ordered to provide route indexing, including the "tandem hubbing" option (which AT&T refers to as RI-PH). Similarly, Ameritech and GTE have been required to provide RI-PH in Indiana, and GTE has been required to provide RI-PH in Florida.¹¹

53. Although cost is not a factor in the determination of technical feasibility, the fact is that RI-PH -- a derivative of DID -- would not require significant expenditures. RI is actually a more economical method for satisfying the needs of

(...continued)

digit call (ten digits plus IXX code). AT&T's experts have determined that RI-PH is technically feasible where ten-digit local dialing is required.

¹⁰ Furthermore, RBOCs in other regions have agreed to provide DN-RJ as an INP solution. In Oregon, for example, US West has tariffed DN-RJ. NYNEX has agreed to provide DN-RJ in all of the States of its region, favoring it over RCF, which it plans to phase out because it considers RCF to be "too burdensome."

¹¹ In the Matter of the Petition of AT&T Communications of California, Inc., For Arbitration Pursuant To Section 252(b) of the Telecommunications Act of 1996, To Establish an Interconnection Agreement With Pacific Bell, Application No. 96-08-040 (Cal. PUC), Arbitrator's Report dated October 31, 1996, pp. 10-11; In the Matter of the Petition of AT&T Communications of California, Inc., For Arbitration Pursuant To Section 252 of the Federal Telecommunications Act of 1996, To Establish an Interconnection Agreement With GTE California, Inc., Application No. 96-08-041 (Cal. PUC), Arbitrator's Report dated October 31, 1996; Petition of AT&T For Arbitration With GTE, Docket No. 960847-TP (Fla. PSC), Memorandum issued Nov. 2, 1996, p. 196; In the Matter of the Petition of AT&T Communications of Indiana, Inc., Requesting Arbitration, Cause No. 40571-INT-01 (Ind. Utility Reg. Commission), issued Nov. 27, 1996, pp. 17-18. Assuming that the Indiana commission's ruling stands, there is simply no reason why Ameritech should refuse to provide RI-PH in all of the States in its region when it is already doing so in Indiana.

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AT&T's larger business customers than Flex-DID, which requires the construction of new two-way trunks between each of Ameritech's and AT&T's end offices that are dedicated solely to INP. Moreover, there are no specific time delays involved in implementing RI-PH; if anything, the building of new direct trunks under the Flex-DID method would likely be more time-consuming than the route indexing method.

54. Ameritech itself has concluded that route indexing is not costly.

The September 1995 proposal of the Ameritech Number Portability Team found that RI-PH is a "relatively quick and inexpensive method" which is a "less burdensome near term alternative for number portability, and one which does not involve a log of throw away development and implementation costs, onerous work-arounds, multiple database dips, and unknown feature interactions." JDE Illinois Exhibit 1, pp. 3-4. Moreover, BellSouth and U.S. West -- which are subject to the same number portability requirements of the 1996 Act as Ameritech -- would never have offered RI-PH if they had believed that doing so would be extremely costly or diverted them from implementing PNP.¹²

Without route indexing, Ameritech's competitive position would only be strengthened, because CLECs would be denied the opportunity to provide their customers with the same functionality that Ameritech provides to its customers. The

¹² RI-PH is not the type of "mid-term" or "medium-term" database solution for number portability, such as the carrier portability code method proposed by others in the industry, that the FCC has declined to require. Number Portability Order, ¶ 116. RI-PH is considered neither a database solution nor a medium term solution -- as was recognized by the September 1995 proposal authored by Ameritech's Barry Bishop, which repeatedly and correctly referred to RI-PH as an interim number portability solution. JDE Exhibit 1, pp. 2-4.

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resulting disadvantage to the CLECs would be substantial, particularly since it may be some time before PNP is fully implemented in Michigan on a Statewide basis. It is therefore important to ensure that Ameritech has complied with its INP obligations. Clearly, by refusing to provide route indexing, Ameritech has not done so.¹³

II. LOCAL DIALING PARITY

55. Item (xii) of the checklist requires that a BOC provide "[n]ondiscriminatory access to such services or information as are necessary to allow the requesting carrier to implement local dialing parity in accordance with the requirements of section 251(b)(3)." 47 U.S.C. § 271(c)(2)(B)(xii). As Messrs. Dunny and Mayer acknowledge, the "dialing parity" provisions of Section 251(b)(3) impose on LECs the duty (1) "to provide dialing parity to competing providers of telephone exchange service and telephone toll service" and (2) "to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing, with no unreasonable dialing delays." *Id.* § 251(b)(3); Dunny Aff., ¶¶ 136, 141-142; Mayer Aff., ¶¶ 32, 35.

56. Messrs. Dunny and Mayer assert that Ameritech meets the local dialing parity requirement of the checklist, because (among other things) Ameritech's end office integration arrangements permit telephone exchange service customers within a local area to dial the same number of digits to make a local telephone call

¹³ AT&T has not agreed to the specific provisioning intervals for RCF, DID, and DID direct trunks described by Mr. Mayer. Mayer Aff., ¶ 159.

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notwithstanding the identity of the customer's or the called party's telecommunications service. Dunny Aff., ¶¶ 137-140, 143-144; Mayer Aff., ¶¶ 30-34. I do not agree that Ameritech has satisfied its dialing parity obligations under the checklist.

57. Ameritech is not currently offering competing providers with nondiscriminatory access to such services and information as are necessary to allow the requested carrier to implement local dialing parity in accordance with the requirements of Section 251(b)(3). The primary deficiencies are the result of Ameritech's failure to offer adequate interim number portability solutions.

58. Local dialing parity is possible, in part, because of number portability. Under the interim number portability solutions currently offered by Ameritech, however, CLECs such as AT&T can offer local dialing parity to only some of their customers. As previously described, Ameritech is currently offering only three number portability solutions in Michigan -- RCF, DID, and LERG Reassignment without route indexing. None of these options can be effectively used to provide number portability to large switched-based business customers. These customers can be served only by the use of route indexing, which Ameritech has refused to provide. Thus, Ameritech cannot be said to be providing complete local dialing parity in Michigan.

59. Moreover, as the Commission is well aware, Ameritech has violated its dialing parity obligations through its repeated refusal to implement intraLATA dialing parity -- in violation of Commission and court orders -- since the

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Commission first ordered it to do so in early 1994. At the time its "Compliance Filing and Request For Approval of Plan on IntraLATA Toll Dialing Parity" was filed in November 1996, only 10 percent of Ameritech's Michigan customers had a choice of competitors for 1+ intraLATA toll calling -- despite this Commission's finding that intraLATA toll dialing parity is necessary for effective local competition, and despite the Commission's order that Ameritech implement full intraLATA dialing parity in its Michigan exchanges no later than July 26, 1996. Ameritech's recent "plan" called for it to provide intraLATA toll dialing parity to 50 percent of lines on December 2, 1996, to 70 percent of its lines on the date it filed an application for in-region interLATA authority -- and to 100 percent of its lines only after it receives interLATA authority from the FCC.¹⁴

60. Even if, as Mr. Dunny asserts, Ameritech's failure to implement intraLATA dialing parity does not constitute a failure to implement "local dialing parity" under Item (xii) of the checklist, it nonetheless violates the Act under the "grand- father" clause of Section 271(e)(2)(B) and raises substantial questions concerning Ameritech's future compliance regarding exchange dialing parity. To date, Ameritech has had a significant incentive to provide exchange dialing parity to competing CLECs, because it needed to do so as a precondition of providing in-region intraLATA service.

¹⁴ I understand that Ameritech has claimed in its FCC filing that it achieved the 70 percent figure on the day of the filing of its Section 271 application.

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If the FCC approves Ameritech's application, however, that incentive will no longer exist. In fact, Ameritech would have every reason not to fulfill its dialing parity obligations toward CLECs, in order to maximize its share of both the exchange and long-distance markets. Given Ameritech's actions in the intraLATA context, where no incentive to provide dialing parity exists, it is doubtful that its current provision of exchange dialing parity will continue beyond such time as it is free to provide interLATA service in Michigan.¹⁵

III. DIRECTORY ASSISTANCE AND DIRECTORY LISTINGS

61. The "dialing parity" provisions of Section 251 (b)(3) of the 1996 Act require each LEC to provide "nondiscriminatory access to . . . directory assistance, and directory listing." 47 U.S.C. § 251(b)(3). These obligations are encompassed by three items of the checklist: Item (vii), which requires nondiscriminatory access to directory assistance services; Item (viii), which requires BOCs to provide white pages directory listings for customers of the other carrier's telephone exchange service; and Item (xii), which requires the BOC to provide nondiscriminatory access to those services or information necessary to allow a requesting carrier "to implement local dialing parity" in

¹⁵ Ameritech's failure to provide full intraLATA dialing parity is particularly troubling for the future because it constitutes such a flagrant disregard of Commission orders and the 1996 Act itself. By stating that it will provide intraLATA dialing parity when it is granted in-region interLATA authority, Ameritech suggests that it has the right to do so under Section 271(e)(2). Ameritech, however, knows full well that it has no such right, since the Commission's orders and the "grandfather" provisions of Section 271(e)(2) make clear that Ameritech may not link intraLATA toll dialing parity to Ameritech's receipt of interLATA authority.

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accordance with the requirements of Section 251(b)(3). See 47 U.S.C. §

271(c)(2)(B)(vii), (viii), (xii).

62. Mr. Dunny and Mr. Mayer acknowledge that Ameritech must meet its obligation to provide nondiscriminatory access to directory assistance and directory listings under Section 251(b)(3) in order to satisfy the checklist, including Item (xii), but assert that Ameritech has complied with its obligation. Dunny Aff., ¶¶ 136, 141; Mayer Aff., ¶ 35. The facts, however, show that Ameritech has not satisfied its obligation.

63. Ameritech's obligation to provide nondiscriminatory access to directory assistance and directory listings means that all customers of CLECs should be able to access each LEC's directory assistance listing and obtain a directory listing on a nondiscriminatory basis, regardless of the identity of the requesting customer's service provider or the identity of the telephone service provider for a customer whose listing is requested. Second Report and Order issued in FCC Docket Nos. 96-98, et al., ¶¶ 135-137. This, in turn, obligates each LEC to provide nondiscriminatory access to its own directory assistance and directory listings, including access to basic white and yellow pages listings and information.

64. The FCC has stated that a carrier's duty to provide nondiscriminatory access to directory assistance and directory listings includes the duty to share with its competitors subscriber listing information in a "readily accessible" tape or electronic format. Id., ¶ 141. The purpose of this requirement is to ensure that the

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access to its directory listings. Ameritech will have an exclusive monopoly on directory assistance at both a local and nationwide level.

68. Second, Ameritech's offering does not include a basic yellow pages listing¹⁶ for new entrants' customers, the distribution of white pages directories to a new entrant's facilities-based customers, or the distribution of yellow pages to the customers of an alternative provider. Each of these is plainly contrary to Ameritech's obligations under the 1996 Act.

69. Ameritech's failure to provide free basic yellow page listings to CLEC customers is a particularly egregious violation of its obligations under the Act. Basic yellow page listings clearly fall within the definition of "directory listings" used by the FCC to interpret a LEC's obligations under Section 251(b)(3).¹⁷

70. Ameritech's failure to provide these services will hinder the growth of competition, contrary to the goal of the 1996 Act. Customers have come to expect that

¹⁶ Yellow pages contain two types of listings: basic listings and enhanced listings. A basic yellow page listing is the simple printed listing of a party's name, address, and telephone number in the yellow pages under a particular classification. An enhanced listing, by contrast, is a feature in the yellow pages that goes beyond the basic listing. Enhanced features include, for example, the listing of a party in boldface type, capital letters, or italics, the special advertising boxes that customers take in addition to their basic listing, or even boxing of the basic listing. Enhanced listings are supplied to customers at additional charges.

¹⁷ For purposes of Section 251 (b)(3), the FCC has defined "directory listing" to include, at a minimum, the term "subscriber list information" as defined in Section 222(f)(3). Thus, "directory listing" must include "any information . . . identifying the listed names of subscribers of a carrier and such subscribers' telephone numbers, addresses, or primary advertising classifications," or any combination of such information, that the LEC has had published in a directory format. Second Report and Order released August 8, 1996, in FCC Docket Nos. 96-98, *et al.*, ¶ 137 & n.15 (quoting 47 U.S.C. § 222(f)(3)(A), (B)). Basic yellow page listings certainly constitute such data, in addition to white page listings.

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they will receive a free basic directory listing in both the white and yellow pages, and free copies of yellow and white pages, as part as a normal part of receiving phone service. For effective competition, these expectations must be realized regardless of whether the customer is an Ameritech customer or a new entrant customer.

71. To ensure nondiscriminatory access to basic white pages and yellow pages listings data, incumbents like Ameritech should be required to meet five requirements, which I set forth below. Ameritech cannot meet any of these requirements, since its offerings are restricted to white pages. See Dunny Aff., ¶ 109. Moreover, even with respect to white pages, Ameritech falls far short of meeting the requirements.

72. First, Ameritech should be required to provide its competitors with complete information about the content of its white and yellow pages in a timely manner. For each directory, such information would obviously include data concerning the geographical area served, the NPAs and NXXs included in each directory, the directory's name in English and the associated alphanumeric code, and the identification of the classified headings and their associated alphanumeric codes. Without such data, effective competition will not be possible, because CLECs will not have the information they need to issue accurate and complete local service orders. Ameritech, however, has not met this requirement; it simply has promised that it will provide white pages directory listings and access to directory listings. Dunny Aff., ¶¶ 109, 141.

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73. Second, Ameritech should be required to use a format for the submission of white and yellow page listings data that complies with industry standards agreed to at the Order and Billing Forum ("OBF") for the transmittal of listings data between carriers. Establishment of OBF industry standards, and compliance with those standards by incumbent LECs, is critical to the ability of any CLEC to create listings based on English. Without OBF standards, the RBOCs might use the USOF version of directories that they have used for many years. This version would give an unfair competitive advantage to the incumbent carriers, because it uses special characters and codes with which CLECs are unfamiliar -- and would therefore pose major training and implementation problems for any CLEC. In his previous testimony responding to this requirement, Mr. Dunny conceded that "industry standards have not been finalized." See Dunny Rebuttal Test., p. 35. Until that happens, however, Ameritech cannot achieve nondiscriminatory access.¹⁸

74. Third, Ameritech should be required to supply CLECs with directory publication schedules and deadlines in an electronic format with sufficient lead

¹⁸ Furthermore, Ameritech has agreed to procedures that are largely limited to Ameritech's receipt of submissions of subscriber listings from other LECs -- that is, the one-way transmission of information from the CLEC to the ILEC. For example, Ameritech's agreement with AT&T requires AT&T to provide customer listings to Ameritech or its publisher "in a mutually agreeable form and format," but only requires Ameritech's publisher to provide the CLEC with a copy of the listings prior to publication in a form and format as may be mutually agreed to by the parties. AT&T Agreement, §§ 15.1.3, 15.2.1. That is insufficient, because it does not address the transmission of listings data from the ILEC to the CLEC, which is also critically important. CLECs need the ILEC's listings data in order that they can produce their own databases for directory assistance, and provide accurate directory assistance information to their customers.

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time for CLECs to plan and implement a process to ensure directory accuracy and completeness. Ameritech has not done so. Its witnesses state only that Ameritech "will provide a copy of the requesting carrier's customer listings in a mutually agreed-upon form and format to the requesting carrier prior to publication," and that each directory has a close date, beyond which no changes to a directory can be made. Dunny Aff., ¶ 109; Mickens Aff., ¶ 72. Ameritech has agreed by contract that it and its publisher will provide "appropriate" service order close dates "within 30 days of this information becoming available." See AT&T Agreement, § 15.1.4.

75. These vague promises are insufficient, because they fail to address the need for provision of specific directory publication deadlines and sufficient lead times. CLECs need the details of the deadlines for the inclusion of listings in directories, in an electronic format, in order to provide valuable planning information to their customers and satisfy their listing needs. Furthermore, it is critical to the establishment of effective local competition that CLECs be given sufficient lead time in the ILEC's publication schedule for them to review the galleys of the directory before publication, in order to ensure that the listings of CLEC customers are accurate.

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76. Fourth, Ameritech should be required to consolidate and maintain listings for all competitor customers without retaining ILEC customers in a separate section, regardless of whether the customers are served under total services resale, unbundled network elements, or total build out scenarios. Ameritech appears to meet this requirement (with respect to white page listings). Mr. Dunny states that white pages listings of CLEC customers "will be interfiled with listings of Ameritech Michigan customers." Dunny Aff., ¶ 109; see also AT&T Agreement, § 15.1.2.¹⁹

¹⁹ I am assuming, however, that Mr. Dunny means that Ameritech makes no distinction based on (among other things) whether the CLEC customer is a facilities-based customer, a resale customer, or an unbundled elements customer. See also Dunny Rebuttal Test., p. 35 (stating that Ameritech's existing directories already "interfile" white page listings for all LECs, and make no distinction, either in sequence or in appearance, between customers of different LECs). If Ameritech does make such a distinction (as it does in the distribution of white pages directories), it is clearly not in compliance with this requirement. See AT&T Agreement, § 15.2.5 (providing for delivery of white page directories only to resale customers of AT&T).

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77. Fifth, Ameritech should be required to supply competitors with complete and timely information about directory delivery schedules and locations in an electronic format. Although Mr. Dunny does not address this issue in his affidavit, he stated in his Illinois testimony that CLECs will be provided the same information regarding directory distribution that is provided to Ameritech Illinois. See Dunny Rebuttal Test., p. 35. If Ameritech will do the same in Michigan, Ameritech appears to satisfy this requirement (with respect to white pages). Nonetheless, Ameritech has failed to meet three requirements with respect to white page listings, and all five requirements with respect to yellow page listings. It therefore has not discharged its obligation under the checklist to provide nondiscriminatory access to directory assistance and directory listings.

CONCLUSION

78. As explained herein, Ameritech does not meet the requirements of Items (vii), (viii), (xi), and (xii) of the checklist. By failing to provide route indexing, Ameritech has breached its duty to provide any technically feasible INP method. Ameritech has similarly failed to satisfy the dialing parity obligations imposed by Section 251(b)(3) and Section 271(e)(2). Finally, Ameritech has not provided the nondiscriminatory access to directory assistance and directory listings required by the checklist.

This concludes my affidavit.

VERIFICATION

I, Judith D. Evans, do on oath depose and state that the facts contained in the foregoing affidavit are true and correct to the best of my knowledge and belief.

Judith D. Evans

SUBSCRIBED AND SWORN to
before me this 8th day of
January, 1997.

[Signature]
Notary Public

The logo consists of a black oval with the text "Ameritech # Portability Team" in white, bold, sans-serif font.

Ameritech # Portability Team

To: David Branch	For Information Call: 1-312-220-8000
From : Barry Bishop	At:
Pages: 7	Fax Number : 1-708-698-6167

The attached is for your information and use prior to the next ICC workshop.

If you have questions regarding the attached architecture, please feel free to contact one of the following team members:

Brian Baldwin 1-708-248-5324

Barry Bishop 1-312-220-8000 Pager 1-800-759-7243 Pin# 2558988

Dave Habelank 1-708-248-5416



Proposal for Interim Number Portability Solution

Several competing local exchange carriers have indicated that utilizing the existing Illinois titled Service Provider Number Portability - Direct (SPNP-D (Flexible DID type service)) as an interim form of number portability has proven burdensome in that it requires the establishment of separate trunk groups to every office from which numbers are ported and does not allow for the display of Caller ID at the receiving end.

Ameritech is proposing to offer an enhanced version of this Flexible DID type service called:

Service Provider Number Portability - Hub
(SPNP-Hub (utilizing SS7))